



City of Seattle

Department of Planning and Development  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3012139  
**Applicant Name:** Sunny Ausink, for AT&T Mobility  
**Address of Proposal:** 3434 Beacon Avenue South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow an expansion of a minor communication utility (AT&T Mobility), consisting of three panel antennas on the rooftop of an existing multifamily structure.

The following approvals are required:

**Administrative Conditional Use Review** - to allow a minor communication utility to exceed the height in a multifamily LR2 zone. Section 23.57.011 B4, Seattle Municipal Code.

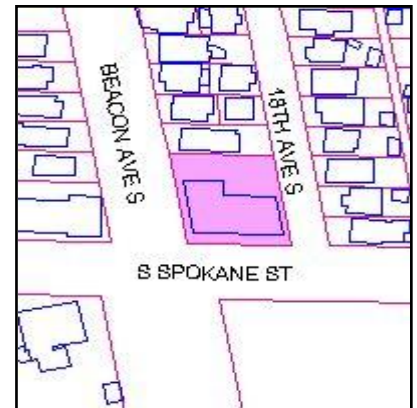
**SEPA - Environmental Determination** - *Chapter 25.05*, Seattle Municipal Code

**SEPA DETERMINATION:** ☐ EXEMPT ☐ DNS ☐ EIS  
☒ DNS with conditions  
☐ DNS involving non-exempt grading or demolition involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Location and Description**

The subject property is located just north of Jefferson Park Golf Course in the Beacon Hill neighborhood. The site is an end lot with frontages along three streets; South Spokane Street to the south, Beacon Avenue South to the west, and 18<sup>th</sup> Avenue South to the east. The development site occupies a total land area of approximately



12,590 square feet (110.34 feet X 114.10 feet), and is located in a multifamily Lowrise Two (LR2) zone, with a minimum lot area requirement of one unit per 1,200 square feet. The site is currently developed with a residential (apartment) use. The three-story building was constructed in 1976, and is nonconforming to current land use LR2 height development standards. As such, any new development activity shall not increase the extent of the existing nonconformity.

The site is fully developed with an existing building occupying a significant portion of the development site, with landscaping and surface parking filling out the remaining area. The proponent of the minor communications utility expansion (AT&T) is currently located at the development site. The irregular shaped building is one of a limited number of buildings in the area which has a significant presence in this part of the neighborhood. The structures to the north and east are smaller in scale and design. Kitty-corner, across the intersection of South Spokane Street and Beacon Avenue South from the development site is a City of Seattle Fire Station. Primary pedestrian access to the apartment building is along the south façade. Vehicle access to the development site is obtained by way of a one-way driveway accessed off Beacon Avenue South and exiting onto 18<sup>th</sup> Avenue South near the north property line. Surface parking is located on either side of this driveway area. The subject lot is relatively flat with no other distinguishable characteristics. All three street frontages are fully improved with concrete sidewalks, curbs, and gutters.

The subject site is located within a narrow LR2 swath of zoning along the 3400 block of Beacon Avenue South. There is an assortment of residential uses, from single family to multifamily apartment complexes in this area. To the north, abutting this zoned area along Beacon Avenue South, the zone changes to Neighborhood Commercial One with a height limit of 40 feet (NC1-40). Beacon Avenue South is a principal arterial oriented along a north/south axis which connects the south end of Seattle to the International District and then to Downtown, and the Capitol Hill neighborhood. The immediate area exhibits sustained pedestrian and vehicle activity throughout the day and evening. Beyond the multifamily zoning, areas to the west, east, and south are zoned single family (SF 5000) and contain a mix of modest and one and two-story single family structures. A Community Center and the Jackson Park driving range and golf course operated by the City of Seattle Parks and Recreation Department, as well as a City of Seattle reservoir are located due south of the subject site. Puget Sound Health Care System's Veterans Administration Hospital is located south of the golf course. Asa Mercer Junior High School, part of the Seattle Public School system, is located to the west of the hospital site.

### Proposal Description

A Master Use Permit Application proposes to expand the use of a minor communication utility (AT&T) on the roof of an existing apartment building. The proposed expansion consists of adding three (3) LTE panel antennas within a canister shroud to the roof of an existing apartment building. The canister shroud is designed as a simulated brick chimney shroud assembly that will match two other simulated brick chimney shrouds, each covering three (3) panel antennas already located on the roof. The new antenna/shroud assembly will extend approximately 13 feet above the roof/parapet top and approximately 19 feet above the surface of the interior rooftop. Additional equipment, specifically six (6) RRH units and one (1) squid unit, will be mounted to the interior parapet wall near the new antenna array and will not be viewable from any ground-level perspectives. Other equipment accessory to the three new antennas will be located with existing equipment within the telecom room located on the ground floor within the existing structure.

The highest portion of the proposed minor communication utility and screening is proposed to be 55 feet above existing average elevation grade. The height limit for the LR2 zone is 25 feet above grade, and may extend higher under strict application of land Use Code exceptions. Approval through an Administrative Conditional Use Permit is required for locating a minor communication utility in a multifamily Lowrise zone and for constructing minor communication utilities that exceed the height limit of the underlying zone (SMC 23.57.011 B4).

#### Public Comment

Notice of Application was published on April 21, 2011, with a public comment period that ended on May 4, 2011. The Department received no comment letters during the public comment period.

#### **ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE**

The establishment or expansion of a minor communication utility is regulated pursuant to Section 23.57.002. Section 23.57.011B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a multifamily Lowrise zone when establishing or expanding communication utility and accessory communication devices as modified by subsection 23.57.011C with the approval of an administrative conditional use permit. Approval shall be regulated pursuant to the requirements of this section enumerated below:

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The applicant's plans depict an integration of the telecommunication facility into the architectural design on the roof top of the existing building. By proposing a screening technique that employs a faux chimney surface that is compatible with the existing architectural treatment throughout the building's exterior, the applicant has succeeded in providing a cohesive relationship to the existing architectural integrity of the existing building. Architecturally, this screening technique effectively harmonizes with the building's existing façade treatment. A total of six antennas are proposed to be arrayed in two locations on the roof top (the east and west half), three antennas will be mounted to one free standing tripod each, no closer than 14 feet to the building's edges and 30 feet to the property line. All antennas are proposed to be encased within two antenna shrouds resembling a brick chimney that will extend approximately 13 feet above roof elevation and approximately 55 feet above grade. The accessory equipment cabinet will be located at grade in an enclosed area within the existing structure.

The proposed shroud assemblies will be in keeping with the architectural character of the existing building that currently hosts two other antenna arrays encased within brick chimney shrouds. The views from neighboring residential and nonresidential structures would not be substantially altered by the presence of the facility. The applicant has provided photographic evidence suggesting that the visual intrusion would be minor.

The proposed minor communication utility is not likely to result in any significant changes to the pedestrian or residential characters of the area. Neighbors and tenants of the host building will not likely be impacted by the utility, in terms of its land use, streetscape, or visual intrusion. Once the additional antenna array is constructed cell phone coverage in the area will be improved, a fact which is likely to be perceived as beneficial to residents and to those who may pass through the neighborhood.

The host residential development site occupies the least intrusive facility in a residential area that includes Single Family 5000 (SF 5000), Lowrise Two (LR2), and Neighborhood Commercial One with a height limit of forty feet (NC1-40) zones. The applicant seeks to expand the operational capability on an existing minor communication utility that has already been established in the moderately dense multifamily zone. With the addition of the proposed antennas the applicant has demonstrated a build-out of service coverage in a minimally intrusive location.

Traffic will not be affected by the presence of the constructed expanded facility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be marginalized and shielded by its basement location. No dwelling units will be displaced in conjunction with this application. The proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

According to the plans submitted, the proposed antennas will be entirely screened from view and will be inconspicuous, within the parameters established by the Seattle Municipal Code, while remaining functionally effective. The proposed chimney shroud mounted to the roof top, will provide screening for three panel antennas and will be located as follows: approximately fifty-one (51) feet from the east, eighty (80) feet from the west, forty-five (45) feet from the south, and seventy-nine (79) feet from the north property lines, toward the front middle of the roof. The proposal complies with this criterion of SMC 23.57.016.

*23.57.016 Visual Impacts and Design Standards:*

- A. *Telecommunication facilities shall be integrated with the design of the building to provide an appearance as compatible as possible with the structure. Telecommunication facilities, or methods to screen or conceal facilities, shall result in a cohesive relationship with the key architectural elements of the building.*

The applicant's plans depict the integration of a screening device into the architectural design of the existing building by proposing screening techniques picking up on the brick façade treatments of the existing structure that generally match the color and pattern of the host building. The screening device will be sympathetic in materials and design to that of a typical chimney designed for residential buildings. Therefore, the proposal complies with this criterion (See applicant's declarations and submitted plans).

B. *Not Applicable.*

C. *If mounted on a flat roof, screening shall extend to the top of communication facilities except that whip antennas may extend above the screen as long as mounting structures are screened. Said screening shall be integrated with architectural design, material, shape and color. Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures shall be no taller than such structures.*

The base of the antenna arrays are screened by the 6-foot high faux sloped roof and parapet wall at the periphery of the building. The shroud assembly shielding the antennas will extend approximately 13 feet above the faux sloped roof/ parapet top. Integration of the screening facility into the architectural design of the existing building is proposed via screen shapes similar to that of brick chimneys and by using screening colors and patterns that generally blend with the texture of the host building.

D. *Not Applicable.*

E. *Not Applicable.*

F. *New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building.*

The antenna shroud is designed to mimic the look of a brick chimney and will match the existing antenna shrouds in height, girth and appearance. The screening of antennas will be sympathetic in material, color, and design to the host building. The proposal complies with this criterion.

G. *Not Applicable.*

H. *Not Applicable.*

I. *Not Applicable.*

J. *Not Applicable.*

K. *Not Applicable.*

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*

b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. This requirement does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

Per the applicant's plans, the proposed antennas and shroud will not exceed a height of 15 feet above the top of the sloped roof/parapet wall and will be at the same height as the existing antenna arrays which already have been erected. This is the minimum height necessary to ensure the effective functioning of the utility in the most inconspicuous manner possible. Therefore, the proposal complies with this criterion.

The proposed antennas will be located on the rooftop of the existing building. The proposed minor communication facility, extending approximately 13 feet above the roof top, would be taller than the base height limit for the multifamily LR2 zone (30 feet). The top of roof already exceeds the allowable height limit. Additional height may be granted through the administrative conditional use process.

At the time the minor communication facility was established according to Administrative Conditional Use criteria (see MUP #3004222, issued November 15, 2006), it was demonstrated that, due to the operational characteristics of the proposed facility, a clear line of site from the antennas in the system throughout the intended coverage area was necessary to ensure the transmission quality of the system. The site was chosen because of its elevation, the height of the existing building, and its location relative to serving an expansive residential area. No commercial properties were identified with sufficient elevation or height to provide the coverage needed to meet the service objectives in the LR2 zone. The search ring included NC1-40 zoned properties, but it was demonstrated that the intended coverage area could not be well serviced without extending the antennas well above the zoned height limit.

The additional height above the underlying zone height development standard of the proposed additional antennas is the minimum required to obtain sufficient coverage. This proposal site at this elevation is a vital link in the planned network for the Seattle Metropolitan area. Additional view blockage and shadow impacts are not anticipated from the extra 13-foot extension of the proposed 3 new antennas within the faux chimney shroud. Given the alternatives, the height limit extension is a minimal impact. Thus, this criterion is satisfied.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility is not proposed for a new freestanding transmission tower. This provision does not apply.

## **SUMMARY**

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

## **DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT**

This application to install a minor communication utility in a multifamily Lowrise Two zone, which is above the height limit of the underlying zone, is **CONDITIONALLY APPROVED**.

## **SEPA ANALYSIS**

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant and submitted on April 10, 2011. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

### **Short-term Impacts**

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

### Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

### Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

### Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS)



operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, does not warrant any conditioning to mitigate for adverse impacts.

### Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

### **ADMINISTRATIVE CONDITIONAL USE CONDITIONS**

None.

### **SEPA CONDITIONS**

#### During Construction:

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work.

Signature: (signature on file)  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development

Date: February 2, 2012